



10-06-04

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Atty. Dkt. No. 355491-1253

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Christopher D. ROBERTS et al.

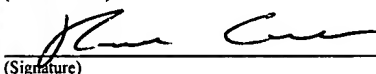
Title: NUCLEOSIDE DERIVATIVES  
FOR TREATING HEPATITIS C  
VIRUS INFECTION

Appl. No.: 10/821,638

Filing Date: 4/08/2004

Examiner: To Be Assigned

Art Unit: To Be Assigned

CERTIFICATE OF EXPRESS MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
EV512615186US	10-04-04
(Express Mail Label Number)	(Date of Deposit)
Rene Campos	
(Printed Name)	
	
(Signature)	

**TRANSMITTAL**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following:

1. First Information Disclosure Statement Under 37 CFR §1.56 (3 pgs.);
2. PTO Form 1449 (1 pg.);
3. Five (5) references as cited as **B1-B4** and **C1**; and
4. Return postcard

[ X ] The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed

for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Respectfully submitted,

Date 10/4/2004

FOLEY & LARDNER LLP

Customer Number: 38706

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By Julie L. Heinrich  
Julie L. Heinrich  
Agent for Applicant  
Registration No. 48,070



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(Printed Name)

(Signature)

**FIRST INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO-1449 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document, except as noted below, is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The USPTO has waived the requirement under 37 CFR 1.98(a)(2)(i) to submit copies of U.S. patents and U.S. patent application publications when citing and submitting an Information Disclosure Statements in a patent application filed after June 30, 2003 and in an international application that has entered the national stage under 37 USC §371 after June 30, 2003. Accordingly, copies of these types of documents are not being supplied in connection with this application. Reference is being made to OG Notice dated August 5, 2003, *Information*

*Disclosure Statements May Be Filed Without Copies of U.S. Patents and Published Applications in Patent Applications filed after June 30, 2003.*

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

**TIMING OF THE DISCLOSURE**

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits.

**RELEVANCE OF EACH DOCUMENT**

All of the documents are in English.

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO-1449 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even


entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit  
Account No. 50-0872.

Respectfully submitted,

Date 10/4/2004

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By Julie L. Heinrich  
Julie L. Heinrich  
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Form PTO-1449 (MODIFIED)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO. 355491-1253		SERIAL NO. 10/821,638		
 <b>INFORMATION DISCLOSURE CITATION</b> (Use several sheets if necessary)				APPLICANT Christopher D. ROBERTS et al.				
				FILING DATE 4/8/2004		GROUP ART UNIT To Be Assigned		
<b>U.S. PATENT DOCUMENTS</b>								
EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE	
	A1	5,681,941	10/28/1997	Cook, et al.				
<b>FOREIGN PATENT DOCUMENTS</b>								
	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION	
							YES	NO
	B1	WO/2003/061576	7/31/2003	PCT				
	B2	WO/1994/18215	8/18/1994	PCT				
	B3	WO/1995/07919	3/23/1995	PCT				
	B4	WO/2004/028481	4/8/2004	PCT				
<b>OTHER DOCUMENTS</b> (Including Author, Title, Date, Pertinent Pages, Etc.)								
	C1	Beigelman et al. "New Syntheses of 2'-C-Methylnucleosides Starting from D-Glucose and D-Ribose" <i>Carbo. Research</i> , 166:219-232 (1987)						
<b>EXAMINER</b>				<b>DATE CONSIDERED</b>				
* <b>EXAMINER:</b> Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include any copy of this form with next communication to applicant.								